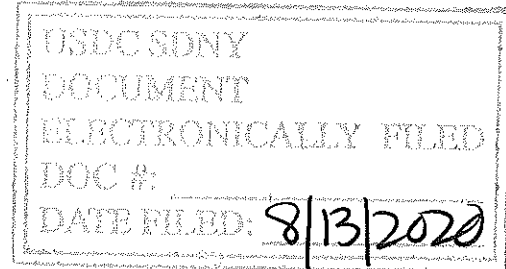


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



BLACK ROCK TRUCK GROUP, INC. FKA  
NEW ENGLAND TRUCK SALES AND  
SERVICE, INC,

Plaintiff/Counter-Defendant,

v.

HARRY TARASIEWICZ and JOSEPH  
TARASIEWICZ

Defendants/Counter-Plaintiffs.

Court No: 2019-cv-2367-PMH

ORDER

Pursuant to the Court's prior order requiring Plaintiff Black Rock Truck Group, Inc. ("Plaintiff") to make the 2016 and/or 2019 computer(s) of Matthew McConnell available for inspection by the parties' experts (*see* June 25, 2020 Minute Entry), it is HEREBY ORDERED:

1. The parties shall engage in an inspection of Mr. McConnell's 2019 laptop computer and email account ([mmcconnell@blackrocktruck.com](mailto:mmcconnell@blackrocktruck.com)) pursuant to the protocol described in the July 8, 2020 email of forensic analyst Lee Neubecker attached hereto as **Exhibit A**.

2. Pursuant to Rule 502(d) of the Federal Rules of Evidence, disclosure of any information or documents to either of the parties' experts in accordance with the above-mentioned protocol or subsequent forensic inspections agreed to by the parties shall not constitute a waiver of any applicable attorney-client privilege or work product protection, whether in this proceeding or any other federal or state proceeding

SO ORDERED.

DATED:

8/13/20  
White Plains, New York

PAUL E. DAVISON  
UNITED STATES MAGISTRATE JUDGE

# EXHIBIT A

## Ramses Jalalpour

---

**From:** Lee Neubecker <lee@enigmaforensics.com>  
**Sent:** Wednesday, July 8, 2020 11:32 AM  
**To:** Ramses Jalalpour; Victor J. Pioli; alyke@zcclawfirm.com; gduhl@zcclawfirm.com  
**Cc:** Evan Fuest; John Muir; Gregory M. Cancilla; Kathy Hurley  
**Subject:** Re: Black Rock Truck Matter

Dear Counselors,

The following is a recap of the proposed protocol Evan Fuest and I agreed to and a summary of the relevant details pertaining to what data has been collected thus far. Evan informed me yesterday that he would begin preparing the data for shipment pending confirmation of the proposed protocol by each party's counsel.

Our joint summary and proposal follows:

Evan Fuest performed the collection of emails from the Office 365 cloud server for the account ~~ramsc@blackrocktruck.com~~ using the Microsoft Office 365 compliance export function. It is Evan's understanding that the ("blackrocktruck.com") email was previously hosted under Rackspace and subsequently migrated to Microsoft's Office 365 platform. To the extent that any email may exist in Rackspace under the custodian's account, none has been collected or searched directly from Rackspace. Evan performed a query for all data that existed in the named user's ("Office 365") mailbox. He exported all data including both indexed and unindexed data. The entire user mailbox was exported as a 12GB PST email container using the sole date filter of April 1st, 2015 through the date of collection June 12th, 2020.

With regard to the 12GB PST collected, we propose that Evan will attest to his method of collection described herein and perform the following search and production.

The phrase "give Amber a call" will be used to search and export a subset PST container showing any and all responsive emails, sent items, drafts, deleted items or other. If any email item contains that phrase in part as an attachment or a forwarded item, or other fragment, the entire email and attachment will be produced with parent and children intact.

Enigma Forensics will receive this production via a secure cloud share.

With regard to the Forensic image Evan's colleague made of the HP Pro Book Laptop Model 430G2 Serial Number 5CD7172DPC, the forensic image will be shipped to Enigma Forensics at the address below. Also included with the shipment will be any chain of custody intake documentation.

Enigma Forensics will not provide any user generated content to any party other than the producing party's expert and their counsel. Should any new material documents that relate to the email at issue be discovered, Enigma Forensics will first provide those materials to the producing party's counsel and will allow for 5 business days before releasing any such documents to Johnson & Bell, except if the producing party's counsel files a written emailed objection to such production first provided to producing party's counsel. An objection must be filed within 5 business days of receipt. If an objection is made by the producing party's counsel, the attorneys and their experts will attempt to resolve the objections by phone. Otherwise, no further production of materials will occur to Johnson & Bell without an order of the court requiring such production.

Dear Evan,

Please confirm when we may expect to receive the materials.  
Counselors,  
Please confirm you have no objections to our joint proposal.

Thanks,

Lee Neubecker

On Mon, Jul 6, 2020 at 3:52 PM Gregory M. Cancilla <gcancilla@rvminc.com> wrote:

Hi Lee, Evan would be the one joining the call. How about 1PM EST?

Gregory M. Cancilla  
Director of Forensics  
RVM Enterprises, Inc.

E [gcancilla@rvminc.com](mailto:gcancilla@rvminc.com)  
T 440-884-7560 M 216-965-8111 Support 866-696-1540

*RVM is a woman-owned business, certified by the Women's Business Enterprise National Council (WBENC).  
Follow us on [LinkedIn](#) & [Twitter](#)*

**From:** Lee Neubecker <[lee@enigmaforensics.com](mailto:lee@enigmaforensics.com)>  
**Sent:** Monday, July 6, 2020 4:45 PM  
**To:** Gregory M. Cancilla <[gcancilla@rvminc.com](mailto:gcancilla@rvminc.com)>  
**Subject:** Black Rock Truck Matter

Dear Gregory, Would you or one of your colleagues be available to discuss our next steps with the Black Rock Truck Matter sometime tomorrow morning or afternoon? Please suggest a few time options that work for you and I will reply to confirm. Thanks, Lee Neubecker, CISSP President & CEO Enigma Forensics, Inc.  
<https://EnigmaForensics.com> 53 W. Jackson Blvd., Suite 304 Chicago, IL 60604 Main: 312-668-0333 Direct: 312-668-0331 Mobile: 773-209-4700 [lee.neubecker@enigmaforensics.com](mailto:lee.neubecker@enigmaforensics.com) Computer Forensics - Data Analytics - Cyber Security Readiness & Response - Online Identity Investigations Check out my security blog at <https://leeneubecker.com>

--  
Lee Neubecker, CISSP  
President & CEO  
Enigma Forensics, Inc.  
<https://EnigmaForensics.com>  
53 W. Jackson Blvd., Suite 304  
Chicago, IL 60604  
Main: [312-668-0333](tel:312-668-0333)  
Direct: [312-668-0331](tel:312-668-0331)  
Mobile: [773-209-4700](tel:773-209-4700)  
[lee.neubecker@enigmaforensics.com](mailto:lee.neubecker@enigmaforensics.com)  
Computer Forensics - Cyber Security Readiness & Response - Online Identity Investigations  
Check out my security blog at <https://leeneubecker.com>